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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,891	01/23/2004	Robert S. Tirey	D5396	7770
30410	7590	08/29/2007		
INTERNATIONAL TRUCK INTELLECTUAL PROPERTY COMPANY, 4201 WINFIELD ROAD P.O. BOX 1488 WARRENVILLE, IL 60555			EXAMINER SKURDAL, COREY NELSON	
			ART UNIT 3782	PAPER NUMBER
			MAIL DATE 08/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

JP

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/763,891		TIREY, ROBERT S.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Corey N. Skurdal		3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-8 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-8 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/2/2007 has been entered.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 16-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "a seat frame having a support column" as recited in claim 16, renders the claim indefinite. It is unclear if the seat frame and the support column are different structural elements or if they are the same. The claim is written such that the seat frame and support column are different structural elements, while the specification (paragraph 23 line 8) recites, "seat frame 76, such as a support column", indicating that a support column is simply an example of a seat frame.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Bush et al. (US 6,199,948).

Regarding claim 16, Bush et al discloses the invention as claimed including: a storage system (Figure 15) for use on a car seat back 14 with a forward slanting section (between seat back 14 and seat bottom 12), an upper section (Fig. 1 on seat back 22 and 24); and a rear 22; a seat frame 42 having a support column 20, set in seat back 1; a cabinet 130 is mounted to the seat back, by means of mechanisms 34 and 40, the storage cabinet 130 having a top and base, sidewalls located there between, and outer and inner walls, the inner wall being located opposite the outer wall and adjacent the forward slanting section (see Figure 15); an interior compartment 146 defined by the intersection of the previous mentioned walls, the compartment having additional compartments inside for securing other objects (column 6, lines 3-6); and an attachment device. The attachment device comprises multiple receivers 34 attached directly to the support column 20 and multiple tabs/tongues 82 which extend outwardly from the cabinet inner wall and engage the receivers 34, said tongues being releasably held within the receivers by a release mechanism 36.

6. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Pesta et al. (US 6,131,993).

Regarding claim 16, Pesta discloses a storage unit for a motor vehicle comprising: a seat back 12 having a forward slanting section (below lead line 18), and upper section (at lead line 18), and a rear 18; a seat frame 13 having a support column 15 located within the seat back; and a cabinet (Figures 1 and 2) having a cabinet top 28, an opposite cabinet top 30, cabinet sidewalls 32 and 34, and an outer wall defined by panel 80; an inner wall at 40 opposite the outer wall and adjacent the seat back; multiple receivers defined directly on the support column 15 (more specifically threaded bolt holes); and multiple tongues 11 extending outwardly from the cabinet inner wall, each tongue matingly and releasably engaging one of the receivers.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Pesta et al. (US 6,131,993).

Regarding claim 6, Pesta discloses the invention substantially as claimed, including: a storage unit for a motor vehicle comprising: a seat back 12 having a forward slanting section (below lead line 18), and upper section (at lead line 18), and a rear 18; a seat frame 13 located within the seat back; and a cabinet (Figures 1 and 2) having a cabinet top 28, an opposite cabinet top 30, cabinet sidewalls 32 and 34, and an outer

wall defined by panel 80; an inner wall at 40 opposite the outer wall and adjacent the seat back; a cabinet interior defined between the aforementioned walls, and having partitions 60; multiple receivers defined directly on the support column 15 (more specifically threaded bolt holes); and multiple tabs 11 extending outwardly from the cabinet inner wall, each tab engaging the seat frame within the seat back. Pesta does not have the tabs being welded to the seat frame. However, it would have been an obvious matter of design choice to weld the tabs of Pesta directly to the seat frame, since applicant has not disclosed that having the tabs welded to the frame solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the tabs/fasteners of Pesta threaded to the frame.

Regarding claim 7, Pesta discloses hook compartments 60 which are attached to the outer wall.

Regarding claim 8, Pesta discloses a seat bottom 10.

9. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. (US 6,199,948) in view of Bohnett (US 2,934,391).

Regarding claim 17, Bush et al. discloses the invention substantially as claimed and as applied to claims 6 and 16, but does not have the claimed combination of the cabinet and a removable partition. However, Bohnett discloses a organizing cabinet for use in a vehicle including a cabinet 13 with slots 23 and 28 on the inner wall and removable partitions 24 and 29 adapted to engage the slot. Therefore it would have been obvious to one skilled in the art at the time of invention to provide Bush et al,

specifically the embodiment of Figure 15 with slots and removable partitions in order to allow users to selectively secure various items within the cabinet.

Regarding claim 18, the modified embodiment 15 of Bush et al. discloses the claimed invention but does not have exterior compartments attaching to the outer wall of the storage unit. However, Bush et al. does teach embodiments which have exterior compartments, for example embodiments 14, 17 and 18. As such it would have been obvious to one skilled in the art at the time of invention to combine the various embodiments of Bush et al. such as to provide the storage unit of Figure 15 with exterior compartments attached to the outer wall in order to increase the storage capacity of the unit.

Regarding claim 19, modified Bush et al. teaches the claimed invention with the storage unit on seat 10 with seat bottom 12, attached by pivot 18.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pesta, as applied to claim 6, and in view of Bush et al. and Bohnett. Modified Pesta discloses the invention substantially as claimed but does not have slots in the cabinet walls, or removable partitions. However, Bush et al. teaches a carrier placed on the back side of a car seat, wherein the carrier (Figure 15) has multiple interior compartments, divided by upright partitions. Furthermore, Bohnett teaches an organizing cabinet for use in a vehicle including a cabinet 13 with slots 23 and 28 on the inner wall and removable partitions 24 and 29 adapted to engage the slots. Therefore it would have been obvious to one skilled in the art at the time of invention to provide Pesta with the cabinet structure of Bush, in order to provide more organized storage space on the rear of the

vehicle seat, and furthermore to make the partitions removably held in slots, as taught by Bohnett, in order to allow users to selectively secure various items within the cabinet.

***Response to Arguments***

11. Applicant's arguments filed 8/2/2007 regarding claims 16-19 have been fully considered but they are not persuasive.

Applicant has again argued that the module 20 of Bush cannot be considered part of the seat frame. However, as applied in the previous office action, there is no structure to the claim which prevents the module 20 from being considered part of the seat frame. As to the new limitation of a support column, there is no structure regarding the location of the column to the seat frame, the orientation of the column, etc. which prevents the module 20 from being considered such.

Regarding Applicants argument that module 20 of Bush is not located within the seat back, Examiner points to Figure 2, which clearly shows the majority of the module being recessed and thus within the seat back.

Regarding Applicants argument that Bush et al. fails to teaches the tongues extending outwardly from the inner wall, the phrase "from the inner wall" does not require the tongues to be attached to the inner wall. The term from recites no specific structure as to how or where the tongues are attached to the cabinet, rather that tongues must extend away from the inner wall.

Applicant's arguments with respect to claims 6-8, and 15 have been considered but are moot in view of the new ground(s) of rejection.



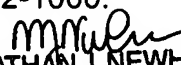
**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Webb Jr. (US 4,640,658) discloses that it is well known to weld 80 a bolt 78 to a frame member 18. Conners et al (US 6,062,146), Bell (US 6,105,839), Hines, Jr. (US 6,007,128), and Marsh (US 4,894,877) are all seen to teach that a weld and a bolt are well known alternate means of attachment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey N. Skurdal whose telephone number is 571-272-9588. The examiner can normally be reached on M-Th 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER